

**SUMMARIZED MINUTES
SCOTTSDALE CITY COUNCIL
TUESDAY, OCTOBER 18, 2005**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, October 18, 2005 in the Kiva, City Hall, at 5:09 P.M.

ROLL CALL

Present: Mayor Mary Manross
Vice Mayor Ron McCullagh
Council Members Betty Drake, Wayne Ecton, W.J. "Jim" Lane,
Robert Littlefield, and Kevin Osterman

Also Present: City Manager Jan Dolan
Acting City Attorney Deborah Robberson
City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE - Girl Scout Troop 2258, Leader Valerie Teich

INVOCATION - Pastor Larry Anderson, Scottsdale Bible Church

PRESENTATIONS/INFORMATION UPDATES

- Mayor Manross encouraged City residents to participate in the mid-decade census
- Proclamation for October Domestic Violence Awareness Month

PUBLIC COMMENT

Nan Nesvig, 6144 N 77th Pl, 85250, presented a petition (attached) to the Council to investigate the decision-making process used for the conditional use permit approval concerning the Paradise Valley Arsenic Treatment Facility.

NOTE IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

Ron Welb, 7125 E Arlington, 85253, spoke about lightning strikes and requested electrical installations be subject to permitting and licensing requirements.

Roland Kueffner, 3326 N 83rd PI, 85250, believes that misinformation was presented to City staff and Council on the Paradise Valley Arsenic Treatment Facility water tanks and asked Council to reconsider the decision made in January.

Eric Nesvig, 6144 N 77th PI, 85250, asked the Council to require the Arizona American Water Company to build underground tanks at the Paradise Valley Arsenic Treatment Facility.

Wilhelm Kueffner, 15240 N 10th PI, 85255, stated that the Town of Paradise Valley benefits from the Paradise Valley Arsenic Treatment Facility infrastructure upgrades, not the City of Scottsdale.

APPROVAL OF MINUTES

SPECIAL MEETINGS
September 20, 2005

REGULAR MEETINGS
September 20, 2005

WORK STUDY SESSIONS
September 20, 2005

MOTION AND VOTE - MINUTES

COUNCILMEMBER DRAKE MOVED FOR APPROVAL OF THE SPECIAL, REGULAR, AND WORK STUDY SESSION MINUTES AS LISTED ABOVE. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

CONSENT AGENDA ITEMS 1 – 14

Items 5, 7, and 10 were removed from the Consent Agenda for separate action.

Councilmember Drake stated she would abstain from voting on Item 5 in order to avoid the appearance of a potential conflict of interest.

1. **Agent Change for Target Store #1327 (Beer and Wine Store) Liquor License**
 Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an agent change notification for Target store #1327, series 10 (beer and wine store).
 Location: 32351 N. Scottsdale Road
 Reference: 26-LL-2004#2
 Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
2. **Agent Change for Target Store #936 (Beer and Wine Store) Liquor License**
 Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an agent change notification for Target store #936, series 10 (beer and wine store).
 Location: 15444 N. Frank Lloyd Wright Boulevard

Reference: 61-LL-2004#2

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. Capital Grille of Scottsdale (Restaurant) Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license.

Location: 16489 N. Scottsdale Road

Reference: 49-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

4. Grocery Station (Beer and Wine Store) Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license.

Location: 10810 E. Via Linda

Reference: 51-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

5. The Promenade Final Plat

Removed from the Consent Agenda for separate action – See Page 5

6. The Estates At Miramonte Abandonment

Requests:

1. Abandon 20-foot portions of the 40-foot-wide roadways along N. 124th Street and East Williams Drive that abut the Miramonte Plat.
2. Abandon 15-foot portions of the 30-foot-wide roadway along N. 122nd Street that abuts the Miramonte Plat.
3. Adopt Resolution No. 6747 vacating and abandoning a public right-of-way.

Location: North 122nd Street, Williams Drive and North 124th Street

Reference: 14-AB-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

7. Six Residence Environmentally Sensitive Lands Ordinance Hardship Exemption

Removed from the Consent Agenda for separate action – See Page 6

8. Design-Build Contract for a Fire Training Tower located at the Police/Fire Training Center

Request: Authorize Design-Build Contract 2005-144-COS with Howard S. Wright Construction Co. in an amount not to exceed \$500,000 for the construction of a pre-

engineered building to serve as a fire training tower.

Related Policies, References: City Council awarded Architectural Services Contract No. 2004-100-COS to Perlman Architects of Arizona, for the design of the classroom portion of the project on July 6, 2004.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

9. Construction Services Contract for the Lost Dog Wash Access Area (Preserve Trailhead) Amenities and 124th Street Roadway Improvements

Requests:

1. Authorize Construction Manager at Risk (CM@Risk) Contract No. 2005-149-COS with Valley Rain Construction Corporation for construction services at a Guaranteed Maximum Price of \$3,276,113 for the construction of the Lost Dog Wash Access Area and 124th Street roadway improvements, including a bridge over the Lost Dog Wash.
2. Authorize acceptance of a matching grant of \$179,879 from the Arizona State Park Trails Heritage Fund and transfer from grant contingency the same amount to Lost Dog Wash Access Area. The grant contingency will be repaid when the State makes a construction payment. Authorization to apply for and accept the grant was granted by the City Council on February 8, 2005, with the adoption of Resolution No. 6606.
3. Authorize a payment to Arizona Public Services in the approximate amount of \$29,000 to install electric lines, distribution cabinets, and new streetlights along Wetherfield Road.

Related Policies, References: This action directly supports City Council Broad Goal B: Preserve the Character and Environment of Scottsdale, and sub-goals under Goal B: Create access into the Preserve, and Create learning opportunities in the Preserve.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Robert Cafarella, Preservation Director, 480-312-2577, rcafarella@scottsdaleaz.gov

10. FY2005/2006 Community Events Funding

Removed from the Consent Agenda for separate action – See Page 6

11. Intergovernmental Agreement with Fountain Hills for Operation of an Emergency Barricade Program

Request: Adopt Resolution No. 6733 authorizing Intergovernmental Agreement No. 2005-039-COS between the City of Scottsdale and the Town of Fountain Hills for the purpose of coordinating incident response and temporary traffic operations along Shea Boulevard between the intersection of 136th Street in Scottsdale to the intersection of Palisades Boulevard in Fountain Hills.

Related Policies, References: Arizona Revised Statutes 11-951 and Section 3-1 of Article 1 of the Charter of the City of Scottsdale.

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

12. Aerial Photography and Digital Terrain Modeling

Request: Authorize Professional Services Contract #2005-147-COS with Stewart Geo Technologies in the amount of \$348,747 for the purchase of new color digital aerial photography and digital terrain models.

Staff Contact(s): Brad Hartig, Chief Information Officer, Information Systems, 480-312-7615, bhartig@scottsdaleaz.gov

13. Settlement and/or Offer of Judgment in Watson v. City of Scottsdale, et al

Request: Consider Adopting Resolution No. 6762 authorizing a settlement in the amount of \$400,000 to resolve a lawsuit entitled *Watson v. City of Scottsdale* et al, Cause No. CV 2005-050985, currently pending in Maricopa County Superior Court and alternatively authorizing an offer of judgment in the amount of \$400,000 to be filed if a settlement is not reached.

Staff Contact(s): Deborah Robberson, Acting City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov; Michael Mason, Risk Management Claims Manager, 480-312-7040, mmason@scottsdaleaz.gov

14. Intergovernmental Agreement with Salt River Pima Maricopa Indian Community (SRPMIC) to Fund Programs and Local Activities

Request: Adopt Resolution No. 6752 authorizing Intergovernmental Agreement No. 2005-154-COS between the Salt River Pima-Maricopa Indian Community and the City to accept \$810,500 in Proposition 202 funds. The agreement was anticipated and budget was included in the adopted Grants budget for 2005/2006. Of the total funding, the City will distribute \$575,000 to community programs outside the City, and \$235,500 will be used for various City of Scottsdale Human Service programs.

Related Policies, References: On Oct. 18, 2004, the Scottsdale City Council authorized the Mayor to execute IGA No. 2004-145-COS to accept a similar agreement. This IGA is in accordance with Proposition 202, and ARS 5-601 related to distribution of a share of tribal gaming revenues for public benefit.

Staff Contact(s): Bridget Schwartz-Manock, Government Relations Director, 480-312-2423, bschwartzmanock@scottsdaleaz.gov; Debra Baird, Community Services General Manager, 480-312-2377, debb@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA ITEMS 1-14, EXCEPT ITEMS 5, 7, AND 10

COUNCILMAN LANE MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1 THROUGH 14, EXCEPT 5, 7 AND 10. VICE MAYOR MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 7-0.

COUNCILMEMBER DRAKE LEFT THE DAIS DURING VOTING ON ITEM 5:

ITEM 5 REMOVED FROM CONSENT AGENDA FOR SEPARATE DISCUSSION:

5. The Promenade Final Plat

Requests:

1. Approve a final plat for an existing Planned Regional Center that was previously approved through the Development Review Board process.

2. Adopt Resolution No. 6738 authorizing the Mayor to execute Development Agreement No. 2005-150-COS.
Location: 16447 N. Scottsdale Road
Reference: 16-PP-2005
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

MOTION AND VOTE – ITEM 5

COUNCILMAN ECTON MOVED FOR APPROVAL OF ITEM 5. COUNCILMAN LANE SECONDED THE MOTION, WHICH CARRIED 6-0, WITH COUNCILMEMBER DRAKE ABSTAINING.

ITEM 7 REMOVED FROM CONSENT AGENDA FOR SEPARATE DISCUSSION:

7. **Six Residence Environmentally Sensitive Lands Ordinance Hardship Exemption**
Request: Consider an Environmentally Sensitive Lands Ordinance (ESLO) Hardship Exemption from the 15-foot wall setback requirement located at 6200 E. Calle De Mandel.
Location: 6200 E. Calle De Mandel
Reference: 5-HE-2005
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

COUNCILMAN OSTERMAN MOVED TO CONTINUE ITEM 7 TO A NON-SPECIFIC DATE. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

ITEM 10 REMOVED FROM CONSENT AGENDA FOR SEPARATE DISCUSSION:

10. **FY2005/2006 Community Events Funding**
Requests:
 1. Approve and adopt recommendations to authorize funds from the General Fund for non-bed tax funded Scottsdale Community Events.
 2. Authorize the Tourism Development Manager to execute, on behalf of the City, individual agreements with each approved Event Producer.
 3. Adopt Resolution No. 6740 authorizing funding for the FY 2005/2006 Community Events support program and authorizing the Tourism Development Manager to execute individual agreements with each Event producer.**Related Policies, References:** Ordinance No. 2049/2707/3577 (amended) provides for the promotion of qualified events through the expenditure of bed tax funds.
Staff Contact(s): Dave Roderique, Economic Vitality General Manager, 480-312-7601, droderique@scottsdaleaz.gov; Kathy Carlisle O'Connor, Tourism Development Manager, 480-312-7057, kcoconnor@scottsdaleaz.gov

Staff presented background information on the Matching Event Advertising Program. Qualifying events should be locally significant, celebrate Scottsdale's community spirit and unique sense of place, and be attended primarily by residents.

Events must also have:

- Attendance of at least 10,000
- A non-profit sponsoring organization
- Plus two of the following:
 - provide education, recreational, cultural or social opportunities to residents
 - increase economic activity in Scottsdale
 - provide significant, positive marketing exposure
 - enhance Scottsdale's status as a location for events and/or offers community pride

Council discussion:

- Vice Mayor McCullagh believes the events qualify for bed-tax funds and should be subsidized through that source. He is concerned there is a difference between the tourism development guidelines for distributing bed-tax funds and the intent of the November 8, 1988 voter-approved ballot measure.
- Councilmembers acknowledged they had approved a not-to-exceed \$50,000 item in the FY2005/2006 budget to support events that do not meet the criteria for bed-tax funding.
- Most Councilmembers support using the City's general fund.
- Councilmembers requested presentations by the applicants of the New Year's Eve Block Party and McDowell Mountain Ranch Music Festival.
- Councilmembers agreed that the Parada del Sol and Scottsdale ArtWalk events contribute to the City's character and culture; and therefore, deserve the Council's support and funding.
- Staff clarified that the United Firefighters Association sponsors the New Year's Eve Block Party; the Scottsdale Gallery Association sponsors Scottsdale ArtWalk; Scottsdale Jaycees sponsors the Parada del Sol; and the McDowell Mountain Music Festival is a non-profit organization.

COUNCILMAN OSTERMAN MOVED TO APPROVE A TOTAL OF \$40,000 FUNDING FOR THE FOUR EVENTS LISTED ON THE AGENDA. THE MOTION DIED FOR LACK OF A SECOND.

COUNCILMEMBER DRAKE MOVED TO APPROVE FUNDING FOR PARADA DEL SOL AND ARTWALK, AND CONTINUE CONSIDERATION OF FUNDING FOR THE MCDOWELL MOUNTAIN MUSIC FESTIVAL AND THE NEW YEAR'S EVE BLOCK PARTY TO ALLOW A COMPLETE PRESENTATION BY APPLICANTS. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 6-1, WITH COUNCILMAN OSTERMAN DISSENTING.

PUBLIC COMMENT

David Adler, 11605 N Warbler Wy, 85268, asked that the tanks at the Paradise Valley Arsenic Removal Facility be buried for safety and aesthetic reasons.

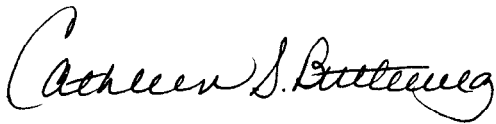
CITY MANAGER REPORT – None

MAYOR AND COUNCIL ITEMS – None

ADJOURNMENT

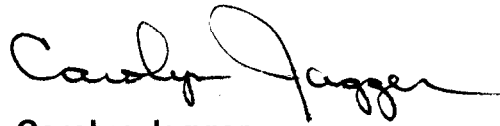
With no further business to discuss, the meeting adjourned at 6:21 P.M.

SUBMITTED BY:



Cathleen S. Butteweg
Recording Secretary

REVIEWED BY:



Carolyn Jagger
City Clerk

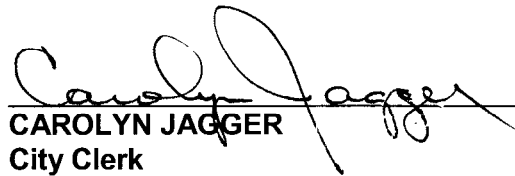
Officially approved by the City Council on November 15, 2005

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 18th day of October 2005.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 15th day of November 2005.


CAROLYN JAGGER
City Clerk

**PETITION TO REQUEST SCOTTSDALE CITY COUNCIL TO INVESTIGATE ALL ASPECTS OF THE APPROVAL PROCESS
FOR THE
PARADISE VALLEY ARSENIC TREATMENT FACILITY PROJECT**

OFFICE OF THE
CITY CLERK

To: Scottsdale City Council

JUN 10 10 21 AM '03

We, the undersigned, respectfully submit this petition as a request to Scottsdale City Council to investigate all events leading up to and inclusive of the approval process for the Conditional Use Permit for the Paradise Valley Arsenic Removal Facility project. By and through quantifiable sworn testimony and documentation provided by Arizona American Water Company ("AAWC") (their employees and agents) and the City of Scottsdale, compiled herewith and attached hereto, it is our belief that the City of Scottsdale Staff, The Mayor and City Council have been provided with misleading, erroneous and untruthful information by applicant AAWC during all phases of this project, specifically as it relates to all aspects of the above-ground water tanks.. Said erroneous information, which served as a basis for all decisions made by City Staff and subsequently, the City Council on this project, resulted in a significantly misinformed yet expedited determination on the part of the Council to approve the Conditional Use Permit for construction. Be it known to all parties that we are seeking a full investigation by City Staff and City Council, from project initiation through permit approvals prior to commencement of construction. Further and as remedy, we request that City Council demand that AAWC bury the tanks in question, either at the proposed site or at a different location, to be determined by City Council.

Name	Street Number and Name	Signature	Phone (Optional)
1. ROLAND KUEFFNER	3326 N. 85 TH PL. SCOTTSDALE AZ 85251	Roland Kueffner	(602) 330-2750 10-18-05
2. Wilhelm Kueffner	15240 N. 104 TH PL. Scottsdale AZ	Wilhelm Kueffner	602-828-7234 10-18-05
3. Kristin Kueffner	6207 N. Cattle Track Rd. Scottsdale	Kristin Kueffner	
4. Nan Nesvig	6144 N. 77 TH PL. Scottsdale	Nan Nesvig	480-368-8701
5. ERIC NESVIG	6144 N. 77 TH PL. Scottsdale	Eric Nesvig	602-311-4941
6. CINDY NORLAND	3326 N. 85 TH PL. SCOTTSDALE AZ	Cindy Norland	602-574-9986
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